IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1086 OF 2005

The State of Maharashtra — Appellant
vs.
Pradip Mahadeo Gunjavate — Respondent

Ms.V.R.Bhonsale, APP for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 21st February 2005

P.C.

Heard.

2. In paragraph 21 of the impugned judgment, the learned Judge observed thus:

> "21. The charge of rape is easy to level but difficult to refute. The evidence of the prosecutrix though uncorroborated, if proved by; attending circumstances, conviction can be based. However, it is a rule of prudence established in case of the prosecutrix, who is grown up or a married woman that such corroboration, needs to be sought by; the Court. The nature of corroboration must necessarily taken upon the facts of each particular case. The law regarding the nature, extent and necessity of corroboration to the oral testimony of the prosecutrix was authoritatively pronounced by the Hon'ble Supreme Court. The evidence of the victim in a rape case is treated like a evidence of an accomplice required for corroboration. The recent trend is that in case of grown up and married woman such corroboration is to be sought from the independent evidence and other attending circumstances. In view of this I have scrutinized the evidence of prosecutrix very cautiously."

3. The consideration of the matter by the learned Judge suffers from serious error of law.

4. The matter requires consideration.

5. Leave is granted.

6. Office to act as per clause (ii) of Rule 19 of Chapter XXVI of the Bombay High Court Appellate Side Rules, 1960 and enter the appeal in the register of appeals and number it accordingly.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)